

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES A. MORASSO,

Plaintiff,

Case No. 22-cv-12480
Hon. Matthew F. Leitman

v.

LOCAL 636 OF THE UNITED
ASSOCIATION OF JOURNEYMEN, *et al.*,

Defendants.

**ORDER TERMINATING DEFENDANTS' MOTION TO DISMISS
WITHOUT PREJUDICE AS MOOT (ECF No. 7)**

On October 15, 2022, Plaintiff James A. Morasso filed this action against Defendants Local 636 of the United Association of Journeymen and the Joint Apprenticeship Committee of Pipefitters Local 636 of the United Association of Journeymen. (*See* Compl., ECF No. 1.) Morasso alleged, among other things, that Defendants interfered with his rights under the Family Medical Leave Act. (*See id.*) Defendants thereafter filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (*See* Mot. to Dismiss, ECF No. 7.)

On December 6, 2022, without expressing any view regarding the merits of the motion to dismiss, the Court issued an order granting Morasso leave to file a First Amended Complaint in order to remedy the alleged deficiencies in his claims identified by Defendants in their motion to dismiss. (*See* Order, ECF No. 8.) The

Court informed the parties that if Morasso provided notice that he intended to file a First Amended Complaint, the Court would terminate Defendants' motion to dismiss without prejudice. (*See id.*)

On December 6, 2022, Morasso filed a notice with the Court in which he indicated that he would be filing a First Amended Complaint. (*See* Notice, ECF No. 9.) And Morasso has now filed that pleading. (*See* First Am. Compl., ECF No. 10.) Accordingly, because Morasso has filed a First Amended Complaint, the Court **TERMINATES** Defendants' motion to dismiss (ECF No. 7) **WITHOUT PREJUDICE AS MOOT**. Defendants may re-file a motion to dismiss directed at the First Amended Complaint if they believe that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 13, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 13, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126